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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/695,813 | 10/24/2000 | Galen C. Hunt | MS1-626US | 4271 |

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| EXAMINER | |
|---|---|
| CRAIG, DWIN M | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2123 | |

DATE MAILED: 12/14/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/695,813 | HUNT ET AL. | |
| | Examiner | Art Unit | |
| | Dwin M Craig | 2123 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *24 October 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 October 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4, 6, 7 & 7*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

**1.** Claims 1-32 have been presented for Examination. Claims 1-32 have been Examined and rejected.

### *Claim Interpretation*

**2.** The claims have been given the broadest interpretation by the examiner. For the purposes of examination the examiner has determined that the term *"schema"* refers to a structured framework, and in the context of Applicant's claims, a *"structural relationship"* between one or more modeled objects.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**3.** Independent **Claims 1, 14, 23, 30 and 32** are rejected under 35 U.S.C. 102(b) as being anticipated by **Walker Jr. et al. U.S. Patent 5,872,914** and **Waldo et al. U.S. Patent 5,475,817** and **"Design-Time Simulation of a Large-Scale, Distributed Object System"** by Svend Frolund and Pankaj Garg *hereafter referred to as the Frolund et al.* reference.

**3.1** As regards independent **Claims 1, 14, 23, 30 and 32** and in further regards to the *Walker Jr. et al.* reference, the Examiner maps the limitations of independent **Claim 1**, *A method comprising: representing hardware and software resources of a distributed computer system as*

*model components* (***Walker Jr. et al.*** **Col. 1 Lines 58-67, Col. 2 Lines 1-7** *note the description of "physical system" which denotes modeling of "hardware"*), *forming, from the model components a logical scale-independent model of an application to be implemented by the distributed computer system* (***Walker Jr. et al.*** **Figure 3 Col. 3 Lines 50-65 Col. 4 Lines 1-16** *note, it is inherent in this teaching that the model would scale up or down, depending on the number of objects being modeled. It is inherent that the modeled components would be logical,* and Application software **Col. 1 Lines 6-11).**

**3.2** As regards independent **Claims 1, 14, 23, 30 and 32** and in further regards to the *Waldo et al.* reference, the Examiner maps the limitations of independent **Claim 14**, *A method comprising defining individual model components as abstract functional operations that are physically implemented by one or more computers and one or more software programs executing on the computers*(**Figures 1 & 2, Col. 1 Lines 35-61, Col. 3 Lines 10-17, Col. 4 Lines 12-23, Col. 4 Lines 40-53),** *the model components having associated schema dictating how the functional operations are specified* **(Figure 2, Col. 6 Lines 18-31),** *interconnecting the model components to logically connect the functional operations*(**Figure 3a),** *generating a scale-independent application from the interconnected model components and the associated schema* **(Col. 5 Lines 35-47).**

**3.3** As regards independent **Claims 1, 14, 23, 30 and 32** and in further regards to the *Frolund et al.* reference, the Examiner maps the limitations of independent **Claim 30,** *representing hardware and software resources of a distributed computer system as model components* **(pages 376-377),** *associating the modeled components with a schema dictating how the hardware and software resources are specified* **(Figure 2 page 380 & pages 381-383),**

*creating an application by specifying the functionality of the model components in accordance with the schema and interconnecting the model components* **(pages 388-397).**

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4.** **Claims 1-32** are rejected under 35 U.S.C. 102(e) as being anticipated by **McNally et al. U.S. Patent 6,259,448.**

**4.1** As regards independent **Claim 28** the *McNally et al.* reference teaches, *A modeling system comprising: a set of model components that represent hardware and software resources of a distributed system* **(Col. 1 Lines 6-8, Col. 4 Lines 32-45, Figure 1-11, Col. 3 Lines 38-67, Col. 4 Lines 1-10),** *a schema associated with the model components that dictate how the resources are specified* **(Figure 5, Col. 7 Lines 57-67, Col. 8 Lines 1-15),** *a user interface to enable a developer to create an application by selecting and interconnecting the model components and specifying the functionality of the model components in accordance with the schema* **(Figure 7-9, Col. 8 Lines 55-67, Col. 9 Lines 1-25** *Note the term "composite resource model" which is functionally equivalent to specifying the functionality of the model components in accordance with the schema***).**

**4.2** As regards dependent **Claim 2** the *McNally et al.* reference teaches *"similar resources"* **(Figure 1 Items 16 and 18** *show multiple similar resources***).**

**4.3** As regards dependent **Claims 3 and 15** the *McNally et al.* reference teaches *each model component is depicted in a graphical user interface as a graphical icon* **(Figures 7, 8 & 9, Col. 2 Lines 41-55).**

**4.4** As regards dependent **Claim 4,** the *McNally et al.* reference teaches *...model components have an associated schema that specifies the hardware ad software resources represented by the model components*, **(Figure 2 and Col. 4 Lines 32-46, Col. 6 Lines 4-16).**

**4.5** As regards dependent **Claim 5** the *McNally et al.* reference teaches, *the model components comprise a module that is representative of a behavior of the application that is implemented using hardware and software resources*, **(Col. 6 Lines 17-24).**

**4.6** As regards dependent **Claim 6** the *McNally et al.* reference teaches *wherein the model components comprise a store that is representative of persistent data storage* **(Col. 12 lines 13-25).**

**4.7** As regards dependent **Claim 7** the *McNally et al.* reference teaches *the model components comprise a port that is representative of a communications access point for the model components* **(Figure 4 Item 35, Figure 5 Item 45).**

**4.8** As regards dependent **Claim 8** the *McNally et al.* reference teaches *wherein the model components comprise a wire that is representative of an allowable communication connection between model components* **(Figure 3,** note the lines connecting the "TNs" and the TWM server**).**

**4.9** As regards dependent **Claims 9, 18 & 24** the *McNally et al.* reference teaches, *the Examiner notes that the claim language in this claim describes and is directed towards modeling an application on a server, like a database server, where the different communications links are modeled, the McNally et al.* teaches this **(Figure 2, Col. 4 Lines 32-46).**

**4.10** As regards dependent **Claims 10 & 19** the *McNally et al.* reference teaches, *persistent data storage* **(Col. 12 lines 13-25),** *event messages* **(Figure 5 Item 44),** and *a logical*

*connection point for the module or the store to receive the event messages* **(Figure 5 Item 40),** and *an interconnection between the event source and event sink* **(Figure 5 Item 50** "event source" and **Figure 5 Item 40** "event sink")**.**

**4.11** As regards dependent **Claims 11 & 20** the *McNally et al.* reference teaches *computer readable medium* **(Col. 12 Lines 26-33).**

**4.12** As regards dependent **Claims 12, 21, 25, 27, 29 & 31** the *McNally et al.* reference teaches a *server data center* **(Col. 10 Lines 1-25).**

**4.13** As regards dependent **Claims 13 & 22** the *McNally et al.* reference teaches *computer executable instructions* **(Col. 6 Lines 17-24).**

**4.14** As regards dependent **Claim 16** the *McNally et al.* reference teaches a *user interface* **(Col. 5 Lines 37-53).**

**4.15** As regards dependent **Claims 17 & 26** the *McNally et al.* reference teaches *sets of resources* **(Figure 5 Items 42n),** and *scalable from one to many* **(Figure 5 Items 42n).**

## ***Conclusion***

**5.** Claims 1-32 have been presented for Examination. Claims 1-32 have been Examined and rejected. This Office Action is **NON-Final.**

**5.1** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on (571)272-3716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC